

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 5156 of 2001

Between:

1. B.Subramanyam s/o Sri Balaiah, aged 40 years

Occ:NMR o/o Dy.Executive Engineer (Civil),

Sub Division, APSRTC, Chittoor.

2. S.K.Biran Saheb s/o SriMastan Saheb, aged 50 years,

Occ:NMR o/o Deputy Executive Engineer (Civil) Sub Division,

APSRTC,Chittoor.

3. B.Jaya Ramaiah s/o Sri B.Chengala Raya chetty,

aged 45 years, Occ:NMR o/o Deputy Executive Engineer (Civil),Madanapalli, Sub
Division,APSRTC,Chittoor

4. B.Surendra s/o Sri Munaiah, aged 40 years

Occ:NMR o/o Deputy Executive Engineer (Civil) Pileru Sub Division,

APSRTC,Chittoor..

5. D.Kalesha s/o Sd.Hussain, aged 37 years

Occ:NMR o/o Deputy Executive Engineer (Civil)Sub Division,Madanapalli,

APSRTC,Chittoor.

.... PETITIONERS

AND

1. The Executive Engineer (Civil), APSRTC, Tirupathi,
Chittoor District.
2. The Regional Manager, APsRTC, Tirupathi.
3. The Executive Director,APSRTC, Vikramasimha Region,Nellore.
4. The vice Chairman & Managing Director, APSRTC, Musheerabad,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioners as Man Mazdoors even after completion of 15 years of service, as arbitrary and illegal and consequently direct the respondents to regularize the services of the petitioners as Man Mazdoors from the date of their initial appointment with all consequential benefits.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not regularizing the services of the petitioners as Man Mazdoors even after completion of 15 years of service, as arbitrary and illegal, and consequently direct the respondents to regularize the services of the petitioners as Man Mazdoors from the date of their initial appointment with consequential benefits.

Even though ample opportunity is given to the petitioner, none appeared. The matter has been adjourned thrice on 6-6-2005, 8-6-2005, 13-6-2005 and finally at the request, the matter is posted to 20-06-2005. Today in the morning, when the matter is taken up, there is no representation on behalf of the petitioner and therefore, the matter is passed over and during the pass over, the counsel did not turn up.

The specific stand taken by the respondents is that the petitioners were engaged on consolidated amount for particular period i.e. till February,2001. As there is no budget, the petitioners were asked not to come to duty from 1-3-2001. They submitted a representation to the 2nd respondent and same has been forwarded to the Managing Director of Corporation. As there are no sanctioned posts available in the Civil Engineering Department and the same was refused. It is specifically contended by the respondents that as vacancies are not available in the Civil Engineering Department, the petitioners cases cannot be considered to absorb for the posts of Conductor and Cleaners as they do not have requisite qualification. Since no posts are available, the question of regularization does not arise.

The Writ Petition is accordingly dismissed. No order as to costs.

K.C.BHANU,J

20-06-2005

Stp

To:

1. The Executive Engineer (Civil), APSRTC, Tirupathi,
Chittoor District.
2. The Regional Manager, APSRTC, Tirupathi.
3. The Executive Director, APSRTC, Vikramasimha Region, Nellore.
4. The Vice Chairman & Managing Director, APSRTC, Musheerabad,
Hyderabad.
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